Ontario Human Rights Commission

affirmation

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Conference studies handicapped rights

By Anita Dahlin

What do human rights officers need to know in order to adequately protect the rights of the physically disabled?

This is one of the key questions confronting commissioners and staff of the Ontario Human Rights Commission as we await the planned revisions to the Ontario Human Rights Code, which will provide (among other new grounds) that every person has the right to equal treatment in employment, enjoyment of services, goods and facilities and in occupancy of accommodation, without discrimination because of handicap.

Ontario Human Rights Chairman Dorothea Crittenden enjoys a joke with OHR officers (left to right) Maggie Nebout, Therese Legault, supervisor Eastern Ontario Region, and Silvilyn Holt at CASHRA conference banquet.

Most of the provinces and the Canadian Human Rights Commission providing protection for the disabled in their Acts, limit this protection to employment. Saskatchewan and Alberta also provide protection in the area of accommodation and access to services and facilities. Ontario's new Bill, however, will provide for equal treatment for the disabled in all social areas, and empowers boards of inquiry to make orders of access, unless costs would work an undue hardship.

With the new legislation imminent, and being concerned about what new skills and expertise will be required, we entered day three of the annual conference of the Canadian Association of Statutory Human Rights Agencies (CASHRA), seeking the benefit of our counterpart's experience. The agenda for the conference* featured a round table discussion on physical and program accessibility for the physically handicapped.

Jack Longman, chairman of the Ontario Advisory Council on the Physically Handicapped, noted that it may be because he was not born with his disability, but developed it later in his life, that he did not come easily to terms with the 'second class status' which so many handicapped individuals have learned to accept. He stressed that both physical environment and human attitudes are the handicapping factors.

He urged that public education be directed towards children, in order that 'the next generation will have it better than we did.'

Participating for the British Columbia Human Rights Commission was their chairman, Margaret Strongitharm, who suggested that those of us without handicaps might do well to consider ourselves 'the temporarily able-bodied.' In British Columbia's Human Rights Code, 'reasonable cause' must be established for discrimination against any class. This law is utilized to pursue complaints from the disabled.

British Columbia is developing guidelines on *bona fide* job criteria, consulting with related organizations in the process. The result will become commission policy on which information seminars will be based in that province. Similar studies are underway to develop access guidelines.

Marlene Antonia of the Alberta commission described her province's experiences in the seven months since the addition of physical handicap to their legislation. Complaints come mainly in the area of accessibility to the workplace and to housing. While their Act is without an affirmative action clause, she noted it was 'satisfying' to see voluntary affirmative action. There has also been a heartening response to the public education programs sponsored by the Alberta commission, she said. At the present time, Alberta has taken no cases to boards of inquiry and there are therefore no case precedents.

Tom Klewin of the Prince Edward Island Human Rights Commission reported that they have had coverage for the disabled since April 1980, applying to both new and existing facilities. There has been some success in getting voluntary compliance from retail stores in the large chains, and no boards of inquiry have yet been called.

Except for sex discrimination, discrimination because of physical disability is the problem most frequently complained of to the Quebec Human Rights Commission. Approximately 12 to 15 complaints per month are lodged in Quebec. The complaints are investigated by special officers who have recourse to a medical consultant. Cases in court include questions of obesity and the use of a guide dog. Quebec's current concern is the problem of reasonable accommodation, said Bertrand Roy, Director of Inquiry. How far should an employer or building owner have to go to make the premises accessible to the disabled, without causing undue hardship to his or her business or finances?

Again, the learning for Ontario commissioners and staff was invaluable as other commissions and their American counterparts freely shared their case precedents, successes and failures and their hopes for future improvements in their respective legislation.

It was also obvious that continued close co-operation with the agencies for the disabled will be necessary in developing our enforcement plans.

During the session, Dr. Albin Jousse of the Ontario Human Rights Commission observed, 'It is the attitude of the disabled to themselves and the world which determines the attitudes of the non-disabled towards them.'

That these discussions took place at all is a tribute to the spirit and determination of the disabled themselves who, when first asked to do so, presented their case so well during the hearings that culminated in Life Together, the Ontario commission's 1977 recommendations to amend the Human Rights Code. From then on, there was never any question that they would soon be granted the protection they require and deserve.

It is later, rather than sooner, but we are almost there. ■

Anita Dahlin is supervisor of the Southwestern Ontario Region of the Ontario Human Rights Commission.

*See Ontario host CASHRA Conference on page 3.

The frivolous complaint

By Jill Armstrong

Under the current Code, the commission must inquire into and resolve any complaint filed by a person who has reasonable grounds for believing that discrimination has taken place. From time to time, complaints turn out, upon investigation, to have been frivolous, vexatious or lodged in bad faith.

The commission's procedures do serve, however, to minimize the number of invalid complaints. Section 13.-(1) requires that the complaint be filed with the commission on a prescribed form, following an intensive interview with a human rights officer. This eliminates unverified phone calls and many second hand or frivolous complaints. This process also serves to eliminate impossible allegations and trivial complaint matters.

But once the complaint is accepted, inquiries must be made. To decline to proceed in cases of questionable jurisdiction or uncertainty about the merits is to court the risk of wrongfully depriving an aggrieved complainant of his or her statutory right of redress. The commission must act to safeguard its

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The status of Bill 7

Bill 7, the new Ontario Human Rights Code, is presently in committee and is due to be reported on some time this fall. It is anticipated that the Act will be passed and proclaimed shortly before or after the new year.

A number of groups and individuals have offered comments on, suggestions for and criticisms of the new Bill, some of them technical, others substantive in nature. The Ontario Human Rights commissioners as well have made a far reaching study of the bill and have expressed their views accordingly.

Sex stereotypes bar male hair stylists

Miller Services

An investigation revealed that a Scarborough beauty salon owner refused to hire a male hair-stylist with 20 years' experience, on the grounds that the all-female staff would feel uncomfortable working with a man and would be reluctant to ask a male co-worker to help out with cleaning duties. The owner also believed that some of his female clientele would object to having their hair done by a man, and might even presume that a mixed staff would lead to sexual relations between employees.

When the complaint could not be settled, a board of inquiry was appointed, with Professor John D. McCamus of Osgoode Hall Law School as chairman.

The Code does provide that the sex of the employee may play a role in hiring decisions where it is a legitimate qualification and requirement for the job in question. But the board ruled that the attitudes or prejudices of customers or co-workers did not justify this employer's decision to exclude members of one sex from employment.

During the hearing, the salon owner was asked if a man could do the job as well as a woman. He replied, 'He could do it, but he would need to be pushed. A

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Religious responsibility and race relations

By Harvey J. Fields

Sermon delivered at an interfaith service sponsored by the Race Relations Division of the Ontario Human Rights Commission.

The global context of this interfaith service is grim. The sounds of war and human strife are growing louder and more strident. For this one gathering of peace, there are scores of others plotting hatred and violence. In Belfast, Catholics and Protestants are on the terrible edge of catastrophe. In Lebanon, Moslems and Christians are pitted against one another in a bitter struggle. In the Soviet Union, millions of my people yearn for freedom and the elementary right to go home to their land.

In South America and Africa, racial tensions and cultural differences form the combustible stuff that could explode at any moment.

Here, in Canada, we are no longer, if we ever were, Hugh MacLennan's 'Two Solitudes', divided between English and French. The reality of this great nation, stretching from Newfoundland to Vancouver Island, is a fabulous conglomeration of distinctive peoples, faiths, cultures and visions. The racial and religious Canada we inhabit is a delicate tissue of diversity.

The question before us is how shall we share and build a common destiny, one that protects our liberties and allows each of us to flourish within his or her own faith and cultural community?

That question needs to be asked and pondered by each of us. The era in which we live is more conducive to racial suspicions and religious confrontation than it is to co-operation and understanding. The economics of the marketplace are tight and troubled. People are wary of political leaders, frustrated with government, concerned about their jobs and having enough to put on the table with a little extra for some enjoyment. In times like these there is a tendency to turn inward and to trust the terrible maxim: 'God helps those who help themselves.'

The turning inward to selfishness and angry defensiveness is the danger of the times. We see it manifest in the racist views of those who mutter about our nation's immigration policy, and who would have preferred to send thousands of Indo-Chinese refugees to deserted Pacific islands, rather than enrich the population of this country with their presence. We see it in the virulent anti-Semitism and racism of the Ku-Klux-Klansmen or neo-Nazi party members who plot their sick and perverse intentions to corrupt our freedoms. We even hear it in the words of those who proclaim from their pulpits that they alone have the truth, that God has selective hearing for only their brand of prayer.

And none of us ought to be fooled. The lethal danger is not from just the odd-ball racist, religionists or small fascist cells. The real danger is within us. We carry the potential enemy of our society.

That enemy is silence and indifference. The silence of the good people and the indifference of churches, synagogues and mosques. It is the silence of those who get up each morning, read the newspapers and conveniently filter out what affects them directly from whatever else might affect their society. It is the silence of the fearful and confused who are so busy looking after their own skins that they fail to see their liberty eroding each time someone else's is infringed or mutilated. That silence is intolerable! Is that not the lesson which howls out at us from the ashes of Hitler's Nazi Germany?

Who of us can afford to forget the haunting words of the Reverend Martin Niemöller who was impounded by the Nazis in the Dachau concentration and death camp. Reflecting on his plight, he wrote: 'When they came for the gypsies no one protested. When they came for the communists, I was not a communist so I did not raise my voice. When they came for the Jews, we were silent. And when they finally came for us, there was no-one left to protest.'

Those words ought to ring in our ears. They form the challenge of today, no less than the grim lesson of yesterday. As dark clouds of prejudice threaten, as race is set against race, as someone scrawls upon a synagogue the ugly threat 'Christ killers get killed or get out,' our imperative religious responsibility is to speak out our protest with prophetic conviction. It is to sound an alarm. It is to be a strong voice for the protection of rights and the teaching of love.

For is that not truly our sacred role? Are we not the vicars who embody the sacredness of each human being? Whether we are Moslem, Sikh, Hindu, Jewish or Christian — vastly different in our rituals and approach to the mystery of God — we bear a common message about the dignity of each person and our inter-connectedness as a human family. We assert a common faith: We have one source, one God has created us.

Our religious responsibility is to filter that sacred message throughout all the sectors of our community. We must see to it that it seeps into the behaviour of all who are in positions of authority — our police, our government officials, parents who pass on their prejudices and fears to their children. Indeed, we must clear some of the polluted air of our parishes, our synagogues and mosques. The time has come to make sure that in our own preachings and enthusiasms we are not guilty of teaching contempt for others.

And why should we be so careful and outspoken about the dignity and liberties of others? Why this warning about the dangers of turning inward and concentrating on our own private turf?

Each of us knows the answers to those questions. 'We are', in Martin Luther King Jr.'s words, 'caught in an inescapable network of mutuality, tied in a single garment of destiny. We must learn to live together as brothers and sisters or we shall perish together as fools.'

In this era of increasing social and economic strain, we dare not be silent. Too much is at stake. It is time for the glaring noise of the children of darkness to be answered by the children of light. In the face of those who preach hatred and resort to violence let us not be crippled by fear, apathy, or selfish indifference.

Our God summons us to the struggle. Let us rise to our religious responsibilities. Let us work for the day when prejudice and hatred will be banished. Let us strive for the time when injustice and enmity will cease, and when our sons and daughters will embrace freedom and peace on a community shore. ■

Harvey J. Fields is Senior Rabbi of Holy Blossom Temple, Toronto.

Religious rules may govern personal appearance

CP Photo

A Sikh applied to a security service for a job, but was told that he could be employed only if he cut his hair. This he refused to do since a matter of religious conviction was involved, and he launched a complaint with the commission.

The manager of the company was unaware that the applicant's religion required that its male members not trim their hair or beards, nor did he realize that these rights were protected under the Human Rights Code. Subsequently, the applicant was offered a job and is now working full-time with the company.

Incidentally, Sikhs are not the only group to regulate the cutting of hair on religious grounds. Orthodox Jews do not use razors on their beards and a particular sect among them (the Hasidim) will let their ear locks grow without ever trimming them. ■

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The frivolous complaint. . .

inherently sensitive position against even the appearance of unfairness that may otherwise be sensed.

Whether or not the alleged discrimination occurred on the basis of grounds under the Code is often a factual issue that can be determined only in investigation.

In one recent case, the complainant alleged that he happened to pass the establishment of the respondent and decided to fill out an application for employment. He said he was told there was no vacancy and therefore no point in pursuing the application. Because the employer had inquired about the complainant's family background, his complaint cited race and nationality as the basis for the refusal.

Investigation revealed, however, that the complainant had no experience in the respondent's rather technical operation and that it was not the employer's practice to stockpile unsolicited applications when there were no job vacancies. During the review of the findings, the complainant admitted that, being desperate for a job, he had hoped the complaint would assist him in obtaining employment.

A complaint may well appear legitimate on its face, but once investigation begins, the officer may find that some or all of the allegations have been fabricated. On the other hand, the evidence may reveal that a situation that was perceived to be discriminatory, in fact developed from a misunderstanding between the parties. Conciliation then serves to clarify the issues and resolve the differences and can achieve a positive basis for the relationship between the parties even if the complaint is devoid of merit.

If a decision to proceed with the investigation is found to be unwarranted on the basis of evidence gathered, conciliation negotiations are entered into and the case is brought to a close.

Alternatively, a complaint that appears to be frivolous or vexatious at first glance, may well prove valid once investigation has been conducted. The complainant may have had difficulty in articulating the allegations, or the issues may have been complex and not easy to unravel during the initial interview.

Or the complainant may make a valid complaint and later lose sight of the discriminatory treatment in favour of using the Code to embarrass or inconvenience the respondent. Here, the officer's task is to ensure that the settlement reached is reasonable in light of the strength of the evidence and the gravity of the discriminatory conduct. The disposition of a complaint must take into account not only the best interests of the parties, but also the best interests of the public.

The proposed new Code contains a separate provision for the handling of invalid complaints. The Bill states:

'Where it appears to the Commission that . . . the subject matter of the complaint is trivial, frivolous, vexatious or made in bad faith . . . the Commission may in its discretion decide not to deal with a complaint.'

Such discretion would be exercised when the commission believes that no useful purpose would be served by carrying the complaint.

However, Bill 7 would enable the complainant to ask the commission to reconsider a decision to dismiss the complaint. Such complaints would not be summarily dismissed without giving the complainant the opportunity to suggest avenues by which his or her allegations may be proven, in the event that the complaint raises issues that warrant examination. ■

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Editorial

Too heavy?

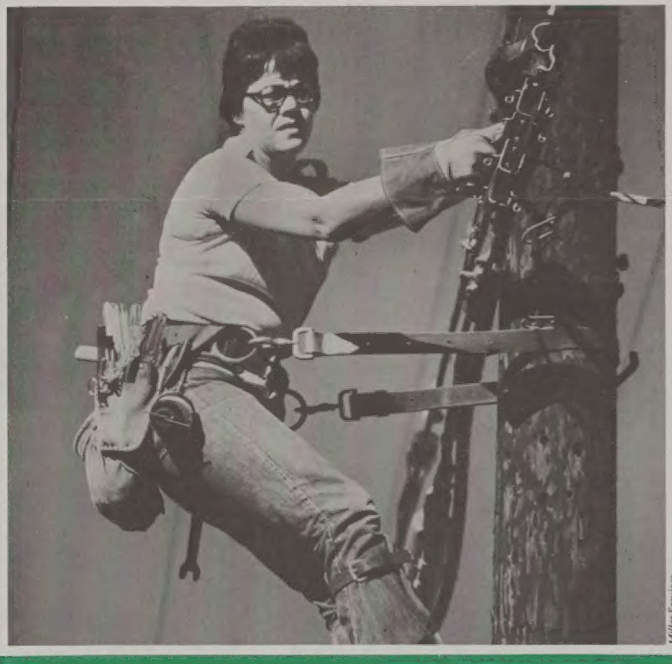
The commission is now considering a whole series of cases which involve the protection of women. One company's rules provide that certain jobs are reserved for men because the work required is 'too heavy' for women. Women who have applied for these jobs claiming that they could do them as well as men have been rejected outright. In some companies such a rule amounts to an *ipso facto* denial of promotion to women.

The commission has consisently held that in both the letter and spirit of the Human Rights Code the only question at issue should be: Can a person do this job? and not: Is the person male or female?

In a recent case, a company applied to the commission for exemption so that it might advertise certain jobs which required extraordinary strength, and specified that it wished only men to apply for these particular positions.

The commission denied the request for exemption, holding again that each individual applicant had to be judged on the basis of his or her own qualifications and ability. Subsequently, the company did employ a woman for a job which in the past had been limited exclusively to men.

The employer provided assurances that, in future, all applicants would be assessed on their merits. ■



Miller Services

Marital status was a factor

An unmarried male had responded to an advertisement for an accounts clerk with the respondent company. A few days later, he received a call from the supervisor of accounting, who told the complainant that he was contacting the nine applicants with better résumés (eight of whom are women) for further information, and that he would call later to arrange interviews. The complainant alleged that among the questions the supervisor asked him over the phone was one related to his marital status. When the complainant revealed that he was divorced, the supervisor abruptly ended the conversation. The complainant was not contacted to attend an interview.

Although the respondent denied inquiring into the complainant's marital status, it was learned during investigation that the interviewer at the company had asked similar questions of at least one other candidate. The investigating officer observed that résumés bore remarks of the interviewer regarding the marital status of candidates, and on the complainant's résumé had noted 'divorced, looking after son.'

While the findings revealed that the successful candidate was the most suitable for the job, it was felt that the complainant's qualifications were good enough for him to have been granted an interview. Also, investigation had established that the complainant's marital status had been one of the factors in the employer's decision not to hire him.

As settlement, the respondent agreed to pay the complainant $200 in compensation for insult to his dignity, to send letters of apology to the complainant and assurances to the commission, and to post a Code card. ■

The case of the painted fence

Miller Services

A Jewish man found anti-Semitic and racial slurs spray-painted on the fence of his neighbour. He was particularly concerned because a path which many children take when going to school runs by the fence.

When the owner of the fence was slow to move on his neighbour's complaints and allowed the offensive slogans to remain in full view, his neighbour approached the Race Relations Division and asked for assistance in resolving the problem. A human rights officer explored the issues involved with both neighbours, and the fence was at last painted over.

The case has its particular piquancy in that the owner of the offending fence was himself a victim of racial prejudice. His property had been abused against his will and he had to restore it to its previous condition for the sake of his neighbour and all passers-by. ■

Ontario hosts CASHRA conference

Over 100 commissioners and staff from human rights commissions across Canada gathered in Windsor, Ontario, from May 31 to June 4, for the annual conference of the Canadian Association of Statutory Human Rights Agencies (CASHRA), a four day 'think tank' sponsored this year by the Ontario Human Rights Commission.

OHRC Chairman Dorothea Crittenden welcomed delegates to 'the backbone of Ontario', as she termed the southwest. Dr. Crittenden also welcomed Dr. Robert Elgie, Ontario labour minister, whose keynote speech to the conference highlighted Bill 7, the proposed amendments to the Ontario Human Rights Code. He expressed particular enthusiasm for the sections of the bill dealing with the physically and mentally disabled which will provide new and long-awaited protection for those groups and which, Dr. Elgie noted, have received all-party support from the Ontario legislature.

Dr. Elgie's emphasis on the rights of the disabled were reinforced later in the conference, when delegates devoted an entire day to trading information about enforcement of clauses protecting the disabled in their respective human rights codes.

The controversial subject of police-minority relations occasioned a number of heated exchanges between panelists and questioners from the floor. On the panel were Police Chief William Hart of Detroit, his Metropolitan Toronto counterpart, Chief Jack Ackroyd, Ontario Race Relations Commissioner, Dr. Bhausaheb Ubale and Windsor Alderman and National Vice-President of the National Black Coalition of Canada, Dr. Howard McCurdy.

Issues arising from the panel included: the need for a police force to reflect the community through the ethnic and racial backgrounds of its officers, the difficulties faced by police in a society where respect for authority is no longer automatic, the need for police and minorities to be sensitive to each other's roles and experiences, and the question of who should investigate citizens' complaints against the police — civilians or the police themselves.

Later in the conference, a meeting of human rights professionals took place at the suggestion of the Saskatchewan commission. Information on the 'nuts and bolts' aspects of human rights enforcement, staff training and the effect of recent board of inquiry decisions on compliance procedures, was shared among the supervisors and officers who attended.

This kind of informal exchange was present throughout the conference. Anywhere one looked in the Windsor Holiday Inn, knots of people were gathered talking about the present and future direction of their commissions.

A highlight of the conference was a banquet hosted by the Ontario chairman, at which Deputy Premier the Honourable Robert Welch was the keynote speaker.

Distinguished guests from the Windsor area included Jack Longman, chairman of the Ontario Advisory Council on the Physically Handicapped, and other representatives of the handicapped community; Phil and Pat Alexander, the former local president of the National Black Coalition of Canada and the president of the Windsor Multicultural Centre respectively. A reunion took place at the conference between Dr. McCurdy, who was also a guest panelist, and his uncle, George McCurdy, executive director and representative of the Nova Scotia Human Rights Commission.

Attending from Washington, D.C., was John Rayburn of the Equal Opportunities Commission, who explained to delegates how the EEOC was forced to attack its backlog of over 100,000 discrimination cases in 1977 by introducing rapid case processing methods. Jim Stratton, director of Concilation and Compliance for Ontario, described how adaptation of the EEOC methods will be tried in a pilot project by his commission.

A welcome presence throughout most of the conference was Sol Littman, who reports on human rights for the *Toronto Star.* Local coverage of the conference

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Being harassed as a women is no joke

By Jane Pepino

In early July, Toronto Star *columnist Helen Bullock had inveighed against the Human Rights Code's restriction of sexual harassment on the job. She wrote that a little tomfoolery makes the day pass more amusingly for most people and that she wanted the law to get out of her private life. Ontario Human Rights Commissioner Jane Pepino replied in a subsequent column:*

As a working woman, I must respond to some of the incredible generalizations reached by Helen Bullock in her article on what constitutes a decent working environment for all women — generalizations based, I must conclude, on the premise that her self-image is boosted by a grab or an ogle from the copy boy.

As a lawyer, I take issue with her suggestions as to the legal avenues available to a woman who feels herself sexually harassed.

As a member of the Ontario Human Rights Commission, I also take issue with some inaccurate and factually wrong conclusions about the provisions of both the existing and proposed human rights codes. To be fair, Bullock is not alone in the media in this misunderstanding.

Normal exchange

First, no working woman should expect an environment so unnatural that normal human exchange between the sexes is absent. No one is seeking to legislate an end to the office romance.

And while coffee and a leer in the morning may not be everyone's choice, Bullock is certainly entitled to continue inviting or accepting both.

I take strong exception, however, to her blithe conclusion that 'anyone so terribly offended by it can walk away or shut up the offender with a neat four-letter Anglo-Saxonism.'

Reprisal threat

That's fine for those women who, educated and confident, are prepared and able to walk away from a job to escape the harassment or who have access to power to ensure that the 'Anglo-Saxonism' will indeed end the harassment — without reprisal.

Unfortunately, the point missed badly by Bullock is that harassment is behavior characterized by power over a woman — the power to fire, hire, give bonuses or preferred shifts.

There also are circumstances when a woman can be harassed by a co-worker of equal rank using power found merely in outnumbering or in greater size and strength. The all-too-common trait of a woman blaming herself for somehow inviting unwelcome attention also saps a woman's ability to fight back.

And there's another ugly characteristic of harassment that cannot be forgotten — that it is unwelcome. If it is not, then bonne chance to you both.

I also take issue with Bullock's suggestion that a 'criminal charge brought against one of the office pack will ensure he's a very lonely wolf indeed.'

Does she seriously believe that a factory worker who speaks no English, with four kids and a macho husband, would be able or willing to lay an information with a Justice of the Peace against, say, her foreman? Or, a junior secretary against the vice-president?

Even if she did (thereby inviting dismissal) and even if she proved her case in the criminal courts, that does not ensure her her job back, or back pay, or the continuation of her job (if she escaped being fired for bringing the charges), or protection from future harassment or reprisal.

And Bullock's suggestion just doesn't cover those cases in which women are denigrated and pressured not by 'persistent, unsolicited and unwanted gropes and fondles,' but by the more subtle demands:

'Mrs. Jones, as my executive assistant, I think it's necessary for your continued upward mobility in this company to accompany me to Montreal for the convention.' Try to tell that one to the judge!

Finally, a few words about Ontario human rights legislation. The existing code has been interpreted to protect women from harassment from employers on the basis that it constitutes differential treatment 'in the terms and conditions of employment.'

The existing state of the law also puts some responsibility on an employer to ensure that the workplace is safe, relatively healthy and free from persistent and unwelcome harassment from other employees.

The new code, if adopted as it is now drafted, merely makes the existing state of the law explicit. Neither piece of legislation outlaws 'wolf whistles, blue jokes, ogling and leering,' nor does it attempt to make judgments on, or to interfere with, what constitutes good manners or appropriate social conduct.

It merely says that women are people, with equal rights to opportunity, dignity and a feeling of self-worth, and that they may not be made to suffer from the fear of saying no — or from the fact that they said it.

Unlike Helen Bullock, I, for one, do not think that qualifies as 'chaperoning.' ■

Reprinted from the Toronto Star, July 10, 1981.

Paul Appleby

Jane Pepino

U.S. court upholds religious rights

In a two to one decision, the Seventh Circuit Court of Appeals in Chicago dealt with the case of a Seventh Day Adventist who was fired from the A.O. Smith Corporation in Wisconsin for refusing to join the labour union at the company because, he stated, his religion prohibited him from joining, or financially supporting, labour unions. On the other hand, labour agreements at the Wisconsin company required all employees to join the union (Smith Steel Workers, AFL-CIO) and pay dues. The complainant had offered to make a contribution to a non-religious charity equivalent to what his union dues would have been.

He filed suit in a federal district court in Milwaukee and his position was upheld. The company filed an appeal and the higher court upheld the constitutionality of a provision in the U.S. Civil Rights Act which protects the right of persons to practice their religion without interference.

The appeals board said that by accommodating the needs of religious minorities the law 'does not confer a benefit on those accommodated, but rather relieves those individuals of a specific burden that others do not suffer by permitting them to fulfil their societal obligations in a different manner, as in this case, by substituting a charitable contribution for union dues.'

The Ontario Labour Relations Act contains a provision that exempts an employee from joining or paying dues to a trade union where The Ontario Labour Relations Board is satisfied that religious conviction or belief creates an objection to union membership. This provision, in section 39 of the Act, requires the employee to contribute an amount equivalent to union dues to any charitable organization agreed upon by the union and the employee. ■

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Ontario hosts CASHRA conference was provided by the *Windsor Star* and television.

Support services for the conference, including simultaneous translation in both official languages, were provided by the Canadian Intergovernmental Conference Secretariat.

A plenary session was held on the last day of the conference, when resolutions relating to human rights issues were introduced and voted on by each commission, and forwarded from CASHRA to the appropriate agencies. This year, some key proposals were a condemnation of the Ku Klux Klan, recommendations to amend the National Building Code so that any major building renovations would have to take into account the needs of the physically disabled, and a recommendation to the federal government that it expands its affirmative action program in the public service to include visible minorities. ■

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Sex stereotypes bar male hair stylists woman does not need to be told what to do.' Further evidence showed that the employer's preconceived notions about staff and customer relations appeared to stem from problems that developed with a male stylist several years before.

The board found the salon owner to be in violation of the Code, and said that he 'reached his discriminatory attitudes about male hairdressers on the basis of the slenderest possible evidence — a previous unfortunate experience with a male employee .... The Code requires him to assess fairly the credentials and qualifications of job applicants.' The employer was ordered to pay the complainant $925 as compensation for the loss of employment opportunity, and another $100 in compensation for mental distress. Also, the owner was required to provide written assurances of his future compliance with the provisions of the Code. ■

Request for 'Francophone' ruled a violation of the Code

After working for seven years as a senior administrator of a national professional association, an Ottawa man was told that his job was being eliminated and replaced by an upgraded position which required 'a bilingual candidate, preferably Francophone.' His complaint alleged discrimination in employment because of his ancestry.

Investigation revealed that the complainant had performed his former job duties capably and could have carried out the skills and responsibilities of the newly defined position.

The board of inquiry, chaired by Professor E.J. Ratushny of the University of Ottawa Law School, concluded that fluency in French was not a genuine job requirement, and decided the dismissal turned on the fact that the complainant was not a Francophone.

The board ruled that although the facts did not establish a clear intent on the part of the association to discriminate, a discriminatory result had occurred. The complainant was therefore awarded compensation for earnings lost, in the amount of three months' salary and an additional $1,100 in compensation for insult to his dignity. ■

The law as an educator

Frequently, when the implications of the law and the need for constructive action are brought to the attention of people they will act in accordance with their best impulses. A case in point involved a large Ontario employer. Upon being apprised of problems relating to his hiring practices and policy on dismissals, he sent a memorandum to all supervisors, parts of which deserve to be quoted.

'During 1980 the company received a record number of complaints from the Human Rights Commission with regard to our termination policy. At this time no case has resulted in a public hearing ....

'However, complaints of discrimination are not restricted to supervisory actions; therefore, if an employee claims other employees are discriminating against him for any reason, such a complaint must be followed up in order that corrective action, if necessary, can be taken.

'The Human Rights Code should not be taken lightly. A case of discrimination proven against the company as a result of the hearing would damage the company's public image. In addition, the Code provides for fines not exceeding $5,000 for the company. Your co-operation in ensuring that such a situation does not arise is earnestly solicited and appreciated.' ■